

Directions to ensure that the charge-sheet filed before the Courts contain complete set of material and documents on which the prosecution relies.

GOVERNMENT OF MAHARASHTRA
Law and Judiciary Department
MANTRALAYA, MUMBAI – 400 032.
Circular No. 126-12/Misc/2016/ 'A' branch
Dated 10th January 2017

CIRCULAR

The Hon'ble High Court of Judicature at Bombay in its order dated 19th December 2016 in Criminal Bail Application No. 2213 of 2016 has observed as under:-

“ 2. This Court has noticed that in most of the cases, report under Section 173 of the Code of Criminal Procedure, 1973 is not a complete set of material upon which the prosecution desires to rely. In some cases, the post mortem notes do not form part of the charge-sheet and in most of the cases, in circumstantial evidence, the memorandum and panchanama of the test identification parade also do not find place in the charge-sheet.

3. The Secretary, Law and Judicature Department shall look into the said aspect and issue circular accordingly.”

2. In this context, the attention of the concerned offices, especially the Investigation Officers is invited to the legal mandate, namely, as soon as investigation is completed the officer in charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, entire police investigation papers, all documents or relevant extract thereof on which the prosecution proposes to rely, including the statement recorded under section 161 of all persons whom the prosecution proposes to examine as its witnesses, as prescribed under the provisions of section 173 of the Code of Criminal Procedure.

3. The Investigation officers and the supervisory police officers are hereby directed to ensure that the report under section 173 of the Code of Criminal Procedure is a complete set of material upon which the prosecution desires to rely. Particular care shall be taken to ensure that important evidentiary material, like post mortem reports, reports of medical examinations, reports of other experts, memorandum of disclosure statement, panchanama evidencing arrest, seizure, place of occurrence and test identification parade etc. (illustrative) forms part of the Charge-sheet.

4. The aforesaid directions be followed scrupulously. Non-compliance would be viewed seriously by the appropriate authorities.

This issues with the concurrence of Home Department.

This Government Circular of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 20170111157486012. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

(N.J. Jamadar)
Principal Secretary and R.L.A.

Copy to:

1. The Chief Secretary, Government of Maharashtra, Mantralaya, Mumbai.
2. The Additional Chief Secretary, Home Department, Government of Maharashtra, Mantralaya, Mumbai.
3. The Additional Chief Secretary, Revenue and Forest Department, Government of Maharashtra, Mantralaya, Mumbai.
4. The Joint Secretary, Law and Judicature Department, at Nagpur and Aurangabad.
5. The Registrar General of High Court at Mumbai.
6. The Director General of Police, M.S., Mumbai (with a request to circulate to all Police Stations)
7. The Commissioner of Police, Mumbai.
8. The Director, Directorate of Prosecution, M.S. Mumbai.
9. The Public Prosecutor, High Court, Mumbai.